

Senate Amendment 5065

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1 1 Amend Senate File 2318 as follows:
1 2 #1. Page 1, by inserting after line 22 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 357I.1 DEFINITIONS.
1 5 As used in this chapter, unless the context
1 6 otherwise requires:
1 7 1. "Board" means the board of supervisors of a
1 8 county.
1 9 2. "Book", "list", "record", or "schedule" kept by
1 10 a county auditor, assessor, treasurer, recorder,
1 11 sheriff, or other county officer means the county
1 12 system as defined in section 445.1.
1 13 3. "District" means an emergency response
1 14 district.
1 15 4. "Emergency services" means fire protection
1 16 service and emergency medical service.
1 17 5. "Governing board" means the governing board of
1 18 an emergency response district.
1 19 Sec. _____. NEW SECTION. 357I.2 PETITION FOR
1 20 PUBLIC HEARING.
1 21 1. The board shall, on the petition of twenty-five
1 22 percent of the resident property owners in a proposed
1 23 district if the assessed valuation of the property
1 24 owned by the petitioners represents at least twenty-
1 25 five percent of the total assessed value of the
1 26 proposed district, hold a public hearing concerning
1 27 the establishment of a proposed district. The
1 28 petition shall include a statement containing the
1 29 following information:
1 30 a. The need for emergency services.
1 31 b. The district to be served.
1 32 c. The approximate number of residents of the
1 33 district.
1 34 d. The proposed personnel, equipment, and
1 35 facilities to provide the emergency services.
1 36 2. The board of supervisors may require a bond of
1 37 the petitioners conditioned for the payment of all
1 38 costs and expenses incurred in the proceedings in case
1 39 the district is not established.
1 40 Sec. _____. NEW SECTION. 357I.3 LIMITATION ON
1 41 AREA.
1 42 A district may include all or parts of one or more
1 43 counties, including cities in such counties. However,
1 44 a district's boundaries shall not divide a township.
1 45 Sec. _____. NEW SECTION. 357I.4 TIME OF HEARING.
1 46 The public hearing required in section 357I.2 shall
1 47 be held within thirty days of the presentation of the
1 48 petition. Notice of hearing shall be given by
1 49 publication in two successive issues of any newspaper
1 50 of general circulation within the district. The last
2 1 publication shall be not less than one week before the
2 2 proposed hearing.
2 3 Sec. _____. NEW SECTION. 357I.5 ENGINEER.
2 4 1. Within twenty days after the hearing, the board
2 5 shall appoint a competent disinterested civil
2 6 engineer, who shall prepare a preliminary plat
2 7 showing:
2 8 a. The proper design in general outline of the
2 9 district.
2 10 b. The lots and parcels of land within the
2 11 proposed district as they appear on the county
2 12 auditor's plat books with the names of the owners.
2 13 c. The assessed valuation of the lots and parcels.
2 14 2. The compensation of the engineer on the
2 15 preliminary investigation shall be determined by the
2 16 board. The engineer shall file a report with the
2 17 county auditor within thirty days of appointment. The
2 18 board may extend the time upon good cause shown.
2 19 Sec. _____. NEW SECTION. 357I.6 HEARING ON
2 20 ENGINEER'S REPORT.
2 21 After the engineer's report is filed, the board
2 22 shall give notice, as provided in section 357I.4, of a
2 23 public hearing to be held concerning the engineer's
2 24 preliminary plat.

2 25 Sec. ____ NEW SECTION. 357I.7 ELECTION ON
2 26 ESTABLISHMENT OF DISTRICT AND CANDIDATES FOR GOVERNING
2 27 BOARD.

2 28 Within sixty days after the hearing on the
2 29 preliminary plat, an election shall be held within the
2 30 district to approve or disapprove the establishment of
2 31 the district and to choose candidates for members of
2 32 the governing board of the district. Notice of the
2 33 election, including the time and place of holding the
2 34 election, shall be given as provided in section
2 35 357I.4. The vote shall be by ballot which shall state
2 36 clearly the proposition to be voted upon and any
2 37 registered voter residing within the district at the
2 38 time of the election may vote. It is not mandatory
2 39 for the county commissioner of elections to conduct
2 40 elections held pursuant to this chapter, but the
2 41 elections shall be conducted in accordance with
2 42 chapter 49 where not in conflict with this chapter.
2 43 Judges shall be appointed to serve without pay by the
2 44 board from among the registered voters of the district
2 45 to be in charge of the election. The proposition is
2 46 approved if a majority of those voting on the
2 47 proposition vote in favor of it.

2 48 Sec. ____ NEW SECTION. 357I.8 EMERGENCY RESPONSE
2 49 DISTRICT GOVERNING BOARD == TERM AND QUALIFICATION.

2 50 At the election, the names of up to three
3 1 candidates for membership on the district's governing
3 2 board shall be written in by the voters on blank
3 3 ballots without formal nomination and the board and
3 4 the city councils of participating cities shall
3 5 appoint three from among the five receiving the
3 6 highest number of votes as members of the governing
3 7 board for the district. One member shall be appointed
3 8 to serve for one year, one for two years, and one for
3 9 three years. The members of the governing board and
3 10 their successors must be residents of the district and
3 11 shall give bond in the amount required by the board,
3 12 the premium of which shall be paid by the district.
3 13 Vacancies shall be filled by election, but if there
3 14 are no candidates for a governing board office, the
3 15 vacancy may be filled by appointment by the board and
3 16 the city councils of participating cities. The term
3 17 of succeeding members shall be three years.

3 18 Sec. ____ NEW SECTION. 357I.9 GOVERNING BOARD
3 19 POWERS.

3 20 The governing board may purchase, own, rent, or
3 21 maintain emergency services apparatus or equipment
3 22 within the state or outside the territorial
3 23 jurisdiction and boundary limits of this state,
3 24 provide housing for such apparatus and equipment,
3 25 provide emergency service and facilities, and may
3 26 certify for levy an annual tax of not more than one
3 27 dollar and sixty and three-fourths cents per thousand
3 28 dollars of assessed value on all the taxable property
3 29 within the district. The governing board may purchase
3 30 material, employ emergency service and other
3 31 personnel, and may perform all other acts necessary to
3 32 properly maintain and operate the district. The
3 33 governing board may contract with any city or county
3 34 or public or private agency under chapter 28E for the
3 35 purpose of providing emergency services under this
3 36 chapter. The members of the governing board shall be
3 37 allowed necessary expenses in the discharge of their
3 38 duties, but they shall not receive a salary.

3 39 Sec. ____ NEW SECTION. 357I.10 BONDS IN
3 40 ANTICIPATION OF REVENUE.

3 41 The governing board of a district may anticipate
3 42 the collection of taxes by the levy authorized in this
3 43 chapter, and to carry out the purposes of this chapter
3 44 may issue bonds payable in not more than ten equal
3 45 installments with the rate of interest not exceeding
3 46 that permitted by chapter 74A. An indebtedness
3 47 incurred under this chapter shall be issued in the
3 48 same manner as bonds for an essential corporate
3 49 purpose.

3 50 Sec. ____ NEW SECTION. 357I.11 DISSOLUTION OF
4 1 DISTRICT.

4 2 Upon petition of thirty-five percent of the
4 3 resident eligible electors, the governing board may
4 4 dissolve a district and dispose of any remaining
4 5 property, the proceeds of which shall first be applied

4 6 against outstanding obligations and any balance shall
4 7 be applied to tax credit of property owners of the
4 8 district. However, if all of the unincorporated area
4 9 of the district is annexed by a participating city,
4 10 the board of supervisors may transfer the remaining
4 11 property and balance to the city which annexed the
4 12 territory. The board of supervisors shall continue to
4 13 levy a tax after dissolution of a district, of not to
4 14 exceed twenty-seven cents per thousand dollars of
4 15 assessed value on all the taxable property of the
4 16 district, until all outstanding obligations of the
4 17 district are paid.

4 18 Sec. _____. NEW SECTION. 357I.12 INCORPORATION OF
4 19 DISTRICT LAND.

4 20 If part of a district is incorporated by a city and
4 21 there are outstanding indebtedness obligations against
4 22 the district, the city shall pay the outstanding
4 23 obligations against the part of the district which is
4 24 incorporated by the city.

4 25 Sec. _____. NEW SECTION. 357I.13 ADDING PROPERTY
4 26 TO DISTRICT.

4 27 The owner of any property in an unincorporated area
4 28 contiguous to the boundaries of an established
4 29 district may petition the governing board to be
4 30 included in the district. A city located in a
4 31 participating county may by resolution submitted to
4 32 the governing board seek to be included in a district.
4 33 Upon receipt of the petition or resolution, the
4 34 governing board shall submit the request to a
4 35 competent disinterested civil engineer to investigate
4 36 the feasibility of adding the additional territory and
4 37 to make a report to the governing board. If the
4 38 governing board agrees that the property should be
4 39 added to the district, the tax levy for the next year
4 40 shall be applied to the property and on the first day
4 41 of the next fiscal year the property shall become a
4 42 part of the district.

4 43 Sec. _____. NEW SECTION. 357I.14 DETERMINATION OF
4 44 FEE.

4 45 1. The owner of any property joining an
4 46 established district shall pay to the governing board
4 47 of the district an initial fee to be computed as
4 48 follows:

4 49 a. The governing board shall first determine fair
4 50 market value of all property and improvements owned by
5 1 the district, less any indebtedness.

5 2 b. The governing board shall then determine the
5 3 assessed value of all property in the district. This
5 4 shall be divided into the value determined in
5 5 paragraph "a".

5 6 c. The governing board shall determine the
5 7 assessed value of the property of each landowner
5 8 joining the established district.

5 9 d. The result obtained in paragraph "b" shall be
5 10 multiplied by the result obtained in paragraph "c".
5 11 The result shall be the initial fee to be charged each
5 12 landowner.

5 13 2. The initial fees paid to the governing board
5 14 shall be used to help defray the cost and maintenance
5 15 of the district's emergency services and to reimburse
5 16 the county for expenses of appointing the civil
5 17 engineer.

5 18 Sec. _____. NEW SECTION. 357I.15 EFFECT OF
5 19 ESTABLISHMENT OF DISTRICT == TOWNSHIP LEVY.

5 20 The board of trustees of a township included in a
5 21 district shall not levy a tax under section 359.43 for
5 22 fire protection service or emergency medical service.>

5 23 #2. Title page, line 1, by inserting after the
5 24 words <relating to> the following: <emergency
5 25 response by providing>.

5 26 #3. Title page, line 3, by inserting after the
5 27 word <certification> the following: <and by
5 28 authorizing establishment of emergency response
5 29 districts>.

5 30 #4. By renumbering as necessary.

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TOM HANCOCK

5 37 _____
5 38 DAVE MULDER
5 39 SF 2318.201 81
5 40 sc/sh/1564